

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 United States of America,

10 Plaintiff,

11 v.

12 William Ernest Fuller,

13 Defendant.
14

No.CR-23-00907-001-TUC-RCC (MAA)

ORDER

15 On January 14, 2024, this Court took Defendant William Ernest Fuller's Motion to
16 Dismiss Indictment for Violation of Speedy Trial Act under advisement. Defendant claims
17 that more than seventy days of non-excludable time has run, and the Indictment should be
18 dismissed pursuant to the Speedy Trial Act. (Doc. 78.) Part of the calculated time was made
19 up by the fact that the Magistrate Judge took approximately three months to rule on the
20 pending Motion to Suppress. (*Id.* at 2.) The Court is aware that Defendant filed all the
21 Motions to Continue the Trial and Plea Deadlines, and the Government did not file any.
22 Defendant's requested continuances asked for the time to be excluded (*see e.g.* Doc. 76),
23 but now Defendant complains that the Speedy Trial time has run (Doc. 78). While the Court
24 is somewhat dubious about this position, it recognizes the fact that if the Defendant is
25 correct, the Motion to Dismiss should be granted. Therefore, the Court will grant the
26 motion to dismiss, but will do so without prejudice because the Government did nothing to
27 contribute to the Speedy Trial violation.
28

In addition, the Court reviewed de novo the briefing on Defendant's Motion to

1 Suppress (Docs. 38, 40, 54), the Magistrate Judge's Report and Recommendation (Doc.
2 81), and the Defendant's objection (Doc. 85). The Court agrees with the Magistrate Judge's
3 conclusions.

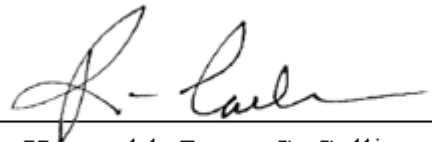
4 1) IT IS ORDERED: the Magistrate Judge's Report and Recommendation is
5 ADOPTED. (Doc. 81.)

6 2) Defendant's Motion to Suppress is DENIED. (Doc. 38.)

7 3) Defendant's Motion to Dismiss Indictment for Violation of Speedy Trial Act
8 is GRANTED. (Doc. 78.)

9 4) This matter is DISMISSED WITHOUT PREJUDICE. The Clerk of Court
10 shall docket accordingly and close the case file in this matter.

11 Dated this 14th day of January, 2025.

12
13
14
15 

16 Honorable Raner C. Collins
17 Senior United States District Judge
18
19
20
21
22
23
24
25
26
27
28